

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

SAMMY ROWE,)	
)	
Plaintiff,)	
)	
)	
v.)	No. 3:02-CV-490
)	
JO ANNE B. BARNHART,)	
Commissioner of)	
Social Security,)	
)	
Defendant.)	

ORDER

This matter is before the court for consideration of the report and recommendation filed by United States Magistrate Judge H. Bruce Guyton on February 22, 2006 [doc. 29]. Magistrate Judge Guyton recommended that plaintiff's motion for attorney fees pursuant to 42 U.S.C. § 406(b) [doc. 21] be granted in part in the amount of \$808 for the time spent before this court and denied in all other respects. There have been no timely objections to the report and recommendation, and enough time has passed since the filing of the report and recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Plaintiff asked for a total of \$6,108 with \$808 for time spent "purely" before this court and the additional \$5,300 for "time spent preparing and winning the hearing on Sentence Six remand and obtaining benefits." The Commissioner objects to the amount of \$6,108 and argues that the court should award a fee only for work done in this court, i.e.,

\$808 [doc. 26]. After a careful review of this matter, the court is in agreement with the magistrate judge that only the amount of \$808 for time spent before this court is compensable under 42 U.S.C. § 406(b).

The court therefore **ACCEPTS IN WHOLE** the report and recommendation under 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b). It is **ORDERED**, for the reasons stated in the report and recommendation, which the court adopts and incorporates into its ruling, that plaintiff's motion for attorney's fees pursuant to 42 U.S.C. § 406(b) is **GRANTED IN PART** in the amount of \$808. The motion is **DENIED** in all other respects.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge